

1 UNITED STATES DISTRICT COURT  
2 WESTERN DISTRICT OF VIRGINIA  
Harrisonburg Division

3 UNITED STATES OF AMERICA, Criminal No. 5:14cr00055

4 Plaintiff,

5 vs.

Harrisonburg, Virginia

6 GLADYS GEORGETTE CHUJOY,

7 Defendant.

February 2, 2017

8 TRANSCRIPT OF TRIAL TESTIMONY OF DONALD SMITH  
9 BEFORE THE HONORABLE MICHAEL F. URBANSKI  
10 UNITED STATES DISTRICT JUDGE, and a Jury

11 APPEARANCES:

12 For the United States:

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24 Proceedings recorded by mechanical stenography; transcript  
25 produced by computer.

1 DONALD SMITH, CALLED AS A WITNESS BY THE GOVERNMENT, SWORN

2 THE COURT: Good afternoon.

3 THE WITNESS: How are you, sir?

4 DIRECT EXAMINATION

5 BY MR. TERRIEN:

6 Q. Good afternoon, sir.

7 A. Good afternoon.

8 Q. Can you state your full name for the record, please?

9 A. Donald Smith.

10 Q. What is your title?

11 A. I'm the sheriff of Augusta County.

12 Q. If you could just go ahead and spell your last name for  
13 the record, please?

14 A. S-M-I-T-H.

15 Q. How long have you been the sheriff in Augusta County?

16 A. I was elected last November.

17 Q. In what profession have you been employed over the last  
18 10, 12 years?

19 A. I've been a deputy sheriff.

20 Q. You've been in law enforcement for at least 10 years, I  
21 believe?

22 A. Yes, sir.

23 Q. Are you familiar with Felix Chujoy?

24 A. Yes, sir, I am.

25 Q. How did you -- just very briefly, how did you come to

1 meet Mr. Chujoy?

2 A. We went to college together. We worked out at the same  
3 gym. We've known each other for a while.

4 Q. What college was that? You said you went to college?

5 A. He went to JMU. I was going to Liberty, and I studied a  
6 lot at the school down here.

7 Q. Basically met him while y'all were studying then?

8 A. Yes, sir.

9 Q. About when was that that you met Mr. Chujoy?

10 A. Probably in -- I've probably known him since 2009, 2010.

11 Q. Are you familiar with his mother?

12 A. I know of her.

13 Q. Do you know her name?

14 A. Ms. Chujoy.

15 Q. Are you familiar with Felix's sister?

16 A. Gladys; yes.

17 Q. I saw you look over. Do you see her in the courtroom  
18 today?

19 A. Yes.

20 Q. Could you point to her, please?

21 A. (Indicating.)

22 Q. Is she wearing a black blouse?

23 A. Yes, sir.

24 MR. TERRIEN: Your Honor, let the record reflect he's  
25 made a positive identification of the defendant.

1 Thank you, Your Honor.

2 THE COURT: Yes.

3 BY MR. TERRIEN:

4 Q. Now, sir -- let me back up.

5 Are you familiar with the arrest of Felix Chujoy in  
6 December of 2014?

7 A. Yes, sir, I am. I don't know all the details, but yes.

8 Q. I understand. I want to ask you some questions about  
9 events that occurred after Felix Chujoy was arrested in  
10 December of 2014. Okay?

11 Do you have a cell phone?

12 A. Yes, sir; I do.

13 Q. What is the number of your cell phone?

14 A. (540)430-2496.

15 Q. Generally, where do you reside? Where do you live?

16 A. Verona.

17 Q. Who do you live with in Verona?

18 A. I stay at my parent's house most of the time because I  
19 help take care of my grandmother.

20 Q. Do they have a landline in that home?

21 A. Yes, they do.

22 Q. What is the number for that landline?

23 A. (540) 248-1329.

24 Q. Now again, directing you to the time frame following  
25 Felix Chujoy's arrest in December of 2014, did you ever let

1 Felix borrow your cell phone?

2 A. One time; yes.

3 Q. And when he borrowed that phone, do you know what he  
4 used it for?

5 A. I have no idea; no, sir.

6 Q. Do you know if he used it to make a call or send text  
7 messages?

8 A. I do not know, sir.

9 Q. When Felix borrowed your phone on that one occasion, did  
10 Felix have a phone at that time? Did he have his own phone?

11 A. As far as I knew, he had taken -- you all -- the  
12 investigators had taken it. I don't think he had one at that  
13 time; no.

14 Q. Do you know whether -- well, did you let Felix borrow,  
15 use -- excuse me -- the landline at your residence?

16 A. Yes, I did. He came by the house and he wanted to use  
17 -- he asked for my cell phone and I told him to use the  
18 landline.

19 Q. Do you speak Spanish, sir?

20 A. Say that again, sir.

21 Q. Do you speak Spanish?

22 A. No, sir.

23 Q. Do you remember where you were when Felix asked to  
24 borrow your cell phone?

25 A. I had taken a piece of meat to Ms. -- to his Nana. I

1 can't remember --

2 Q. Just to be clear, this is after he was initially  
3 arrested?

4 A. Yeah.

5 She had always, since we farm -- we have a farm. She  
6 had always purchased a standing rib roast at Christmas and I  
7 went to take that piece of meat to her.

8 Q. I take it when you arrived at her home, Felix was there?

9 A. Yes, sir.

10 Q. Is this the occasion you're speaking about of when he  
11 borrowed your cell phone?

12 A. Yes, sir. I had taken that piece of meat there. He  
13 asked could he use my phone and I handed it to him.

14 Q. Do you recall about, approximately, how long he used  
15 your phone?

16 A. He never used it in front of me. I was -- I went and  
17 got paid for the meat and talked to her for a little bit and  
18 then I left.

19 Q. Now, you mentioned this landline ending in 1-3-2-9 at  
20 your residence. You said you live with your parents. Do  
21 your parents have cell phones?

22 A. Yes. We have a couple different cell phones. We're  
23 kind of all on the same plan. I have an apartment there. My  
24 grandma's 97 years old and I have my own home. I have my own  
25 farm, but I moved back home because I don't want my grandma

1 in a nursing home. So.

2 Q. Are you familiar with the telephone number (540) 487 --  
3 I think it's 4-4-6-0?

4 A. Yes, sir.

5 Q. Whose number is that?

6 A. That is my mom's cell phone.

7 Q. Did you ever let Felix Chujoy borrow that cell phone?

8 A. When he got out, he came to the house and said that he  
9 didn't have a phone and he asked could he borrow a phone for  
10 two or three days. The family talked and we were going to go  
11 get him a pre-paid phone and we decided to loan him that  
12 phone for two or three days until he got his own phone.

13 Q. Did you loan him that phone for two or three days?

14 A. Yes, sir.

15 Q. A moment ago, you said "after he got out." I assume by  
16 "got out," you mean when he was released after he was  
17 arrested in December?

18 A. Yes, sir.

19 Q. I just wanted to clarify that phrase. Thank you.

20 Did you ever call Jose Diaz?

21 A. Absolutely not.

22 Q. Now, there was an occasion when agents came to speak to  
23 you about these various phones and phone numbers; correct?

24 A. Yes, sir.

25 Q. After you had that conversation -- I apologize. Let me

1 back up.

2 Thank you for your patience. I apologize.

3 Did you ever contact any of the employees or former  
4 employees of Inca's Secret?

5 A. No, sir.

6 MR. TERRIEN: Thank you, sir. That's all the  
7 questions I have.

8 THE COURT: Does the defendant have any cross of this  
9 witness?

10 MR. HARDING: No, Your Honor.

11 THE COURT: Thank you, Mr. Smith. You may stand down.  
12 May this witness be excused?

13 MR. TERRIEN: Yes, sir.

14 THE COURT: Thank you.

15 THE WITNESS: Thank you, sir.

16 (Conclusion of testimony.)  
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WITNESS FOR GOVT.

Donald Smith

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"I certify that the foregoing is a correct transcript from  
the record of proceedings in the above-entitled matter.